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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANTONIO GORE,

11 Petitioner,

No. CIV S-03-1269 JAM CKD P

12 vs.

13 STEPHEN CAMBRA,

14 Respondent.

ORDER

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16 On April 25, 2012, petitioner filed a motion asking that this court reconsider the  
17 September 29, 2006 order adopting the magistrate judge's August 16, 2006 findings and  
18 recommendations thereby dismissing this action.

19 A district court may reconsider a ruling under either Federal Rule of Civil  
20 Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5  
21 F.3d 1255, 1262 (9th Cir. 1993). "Reconsideration is appropriate if the district court (1) is  
22 presented with newly discovered evidence, (2) committed clear error or the initial decision was  
23 manifestly unjust, or (3) if there is an intervening change in controlling law." Id. at 1263.

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Petitioner does not present newly discovered evidence suggesting this matter should not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the September 29, 2006 order adopting the magistrate judge's August 16, 2006 findings and recommendations is neither manifestly unjust nor clearly erroneous.

Accordingly, IT IS HEREBY ORDERED that plaintiff's April 25, 2012 request for relief from judgment is denied.

DATED: June 28, 2012

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE